

**January 26, 2006 Minutes of
Bigfork Land Use Advisory Committee**

Members present: John Bourquin, Jack Paulson, Clarice Ryan, Phil Hanson.

Minutes of the December 29, 2005 meeting were approved as mailed.

Vice-Chairman, Ryan called the meeting to order at 4:03 PM. She made the announcement that the vacancies on BLUAC would be filled after the application agenda had been completed.

Item 1: A request by Dennis and Louwania Pickavance for a Conditional Use Permit to construct a bowling center with a bar, casino and snack bar within the Bigfork B-3 (Community Business) Zoning District. The subject property is located off Montana Highway 82 and can be further described as Flathead Swan Junction Unit 4, Amended Lot 1A in Section 14, Township 27 North, Range 20 West, P.M.M., Flathead County Montana.

Staff: Nicole Lopez Stickney reported the project was to replace Northshore Lanes in Bigfork within the Ridgeview Park Subdivision. The property will be serviced by Bigfork Water and Sewer District. The access to the property is off Hwy 82. There will be 100 spaces for parking and the operating hours will be 7:00 AM to 2:00 AM.

Applicant: Lou Pickavance explained the bowling alley will be expanding to 20 lanes. The change of location was necessary because space at the present location would not accommodate enlarging the present facility.

Public Comment:

Serena Pierce stated that bowling was a good recreation opportunity for all ages in the community. She stated the owners operate a good business and maintain the facilities well.

Gary Simmons added that the bowling alley provides employment for people in the community and is an asset to the community.

Kathleen Johnson stated they live on the property's NW corner and are concerned about the appearance of the project and the large metal building. She asked if there would be landscaping and if there were renderings the public could examine. She emphasized the importance of a landscape visual buffer. She was concerned about the hours of operation and whether the lighting would be intrusive to the neighbors.

Don Taylor said he was the neighbor immediately west of the property. He objected to three bars and casinos within .6 of a mile. He is concerned with the size and looks of a metal building. He reminded the committee that he has farmed that area for many years and could, if he chose, put a hog farm on the property. With Grizzly Jacks so close and all the traffic and late hours generated by the bar business, he thought another bar and casino was inappropriate and unnecessary.

Troy Schnell is an employee of the bowling alley and stated that 95% of the people are out by 11:15 PM. It's very rare for people to stay until 2:00 AM

Doug Ahrendt stated there was no landscaping around the business buildings adjacent to this property. He is confident the Pickavance will do a good job with the landscaping.

Dale Coverdell has the same concerns about having another bar and casino so close. He said it is important to have something esthetically pleasing and not a lot full of weeds.

Woody Nedom – Clarice Ryan read a portion of a letter from Woody urging the committee to deny the request. He felt it was important to preserve the intentions of the Bigfork Land Use Plan to preserve our unique rural area. The public has spoken out against the deviations from the Land Use Plan but has been rebuffed. He is concerned about the traffic and the looks of more of this type of development. He asked that we not make the same mistakes over and over again.

Kirsten Holland (staff) reminded the committee that conditions can be recommended to make this a better and more pleasing project.

Lou Pickavance (applicant) stated that this will not be a tin building and will be landscaped. The parking lot will be lighted tastefully. She assured that the neighbors concerns will be taken into consideration.

Nichole Lopez Stickney (staff) noted that the conditions in the request require lighting to be contained to the boundary of the property and there is a condition for a landscape buffer.

Committee Discussion:

John Bourquin asked if there was a better drawing of the planned architecture. A larger drawing was produced for the committee. Applicant stated it was a metal building with some stonework and a covered entry and arched windows. Bourquin asked if the building would depict a western theme. Applicant replied that it was not a western theme but more of a modern look. Bourquin also asked why a casino was not listed in the county regulations for this variance. Staff replied that this is considered a tavern and will look up the regulations to make sure. She suggested it was appropriate to comment on each of the uses.

Applicant said that the present bowling alley has 20 gaming machines now. **Phil Hanson** asked if it was necessary to have a bar and casino with a bowling alley. Applicant said it was essential to have a bar/casino for that type of business. She stated that they police those activities very carefully.

Jack Paulson stated that traffic is a problem there now. He felt that people have valid concerns regarding the lighting and landscape plan. He said the concerns of the neighbors are important.

Clarice Ryan asked if there will be an overlap of parking from the other properties in the subdivision. Applicant answered, yes that could happen.

Jack Paulson made the motion that a condition be placed on the application that the roof line architecture needs to be changed from the industrial looking structure to break up the straight lines, adding cupolas or other more appealing features to look more like a barn, more western in appearance. The exterior should contain decorative wood rather than steel. John Bourquin seconded the motion. Bourquin also questioned the need for an arcade. He visualizes an arcade as a potential trouble spot for the unruly crowd. Applicant noted that the arcade would be small and geared from 4-year-olds to 15 year-olds. She noted that the present bowling alley has had no violations regarding drinking. There being no further discussion, the vote was called. The Condition was passed unanimously.

Jack Paulson moved that the application be approved with the condition stated. John Bourquin seconded the motion. Motion passed unanimously.

The application will be presented to the Flathead Board of Adjustments on February 7, 2006, 6:00 PM at the Flathead Planning Office, 1035 First Avenue West, Kalispell.

Item 2 & 3:

Staff: Kirsten Holland presented two requests by Rocky Mountain Recreational Communities, LLC. The **first** for a Zoning Variance to property located in the Bigfork RC-1 (Residential Cluster) Zoning district. Specifically, the variance is to Section 3.14.04(2), (minimum lot width) and Section 3.14.04(3A) (rear yard requirement setbacks) of the Flathead County Zoning Regulations. The applicant wishes to reduce the minimum lot width to 30-40 feet from 50 feet for 20 lots and reduce the rear yard setback to 15 feet from 20 feet for 3 lots. The property is located at 836 Canal Street in Bigfork, and can further be described as Tracts 1A and 3 and Lot 16A in Harbor Village No 6, all in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County Montana.

The **second** request is for Preliminary Plat approval of Harbor Village at Eagle Bend Phase 5 Townhomes, a thirty-six (36) dwelling unit (18 duplex townhomes) residential subdivision on 5.44 acres. All lots in the subdivision are proposed to have public water and septic systems. The property is located off Canal Street and Marina Way in Bigfork and can further be described as Tracts 1A and 3 and Lot 16A, all in Harbor Village No. 6, all in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County Montana.

Holland presented both applications stating that the second application was contingent on the approval of the first request for variance. She listed the specific lots where variances were requested in the application. The request meets the requirements of RC-1 zoning. She noted there is some legal disagreement regarding the legal ability to change the rally area. There are 36 townhomes in the Preliminary Plat. The MDOT has stated the subdivision will not have impact on the roads. The Bigfork Fire Department has expressed concern with the cul-d-sac area. The circle in the center would have to be removed to have approval of the fire department. The area will receive service from Bigfork Water and Sewer (not septic as noted in the notice from the Planning Office. There is a condition of dedication of .4 acres of parkland.

John Bourquin noted that the application sent to committee members was the same as sent the previous month and withdrawn and did not cover the changes in the application presented for variances today. Holland apologized for that error.

Applicant:

Dan Manning explained the developers wanted to complete the last 5 acres in the complex. He noted the sight was very flat and other lots in the complex overlook a pond or the golf course. The variances would provide for more pleasing configuration and the inclusion of a pond area. Past development was done under different regulations and the design presented would be more compatible with the rest of the development. Manning provided renderings and previous lot plans.

Kent Saxby, attorney for the developers, stated that this area can be platted with 38 homes and meet all the regulations. The issue is the need for more aesthetically interesting development, consistent with the other townhomes built in the past. The marketing brochure referred to in legal arguments regarding the area was from an era when the area was used to park motor coaches for prospective buyers. This 5 acres has been designated as building lots since the 1997 approved plat.

Public Comment:

Dick Sherman stated the developer's advertising shows photos of the "rally area" in their promotion to prospective buyers. He bought his property relying on the advertising of the rally area or common park area. He stated the homeowner's attorney refutes their allegations. He believes the development of the area will have a negative impact on the community.

Shirleen Wiess stated she and her husband live within 150' of the property in question. She pointed out that this is a very bad time for presentation of this proposal since most of the residents in the area are gone for the winter. In her statement she recalled a motor coach rally she organized in the rally area. It is her understanding that the rally area was set aside for rallies and other motor coach uses. She noted that at the Homeowners Annual Meeting, August 18, 2005, the general membership expressed disapproval of the project. There is concern with traffic, parking and congestion in the area. She stated that the size of the lots was not in keeping with the neighboring properties surrounding the area.

Charles Gough noted that this area has always been depicted as a common area. The Pavilion across the street from the proposed development has limited parking and residents use the area for overflow. He stated that the reason for the variances was to get a better price, for economic need. He told the committee that many of the Homeowner's Association board members had resigned out of fear of a law suit by the developer. He asked that the proposal be deferred to a later date until the legal issues can be resolved.

Steve Saville stated he was adamantly opposed and very upset about the misleading advertising.

Elna Darrow said that just because the application is “better” that doesn’t make it good. She is offended that the developers think they can do this.

Mike Fraser stated that since 1993 he has represented all three of the developers who have developed Harbor Village. In 1999 he completed a conceptual master plan. This area was proposed for residential use and was never proposed as open space. Nothing has changed on record with the county.

Kent Saxby stated the plan presented today is different from the plan submitted in August. The density is consistent with the rest of the subdivision.

Committee Discussion:

Phil Hanson asked, hypothetically, if the committee sent this to the Board of Adjustment with the recommendation to table the project until May and then revisit it, would that be acceptable. Holland said that was a legal question and would need the advice of the county attorney.

Jack Paulson asked the developer what provisions they have made for all the motor coaches owned by the residents. Applicant stated no provisions will be made for storage or rallies. The homes have their own boxes. Jack said the developers need to go back to the association and work with them to get a decent project.

Vince Rassmussen said that most people do not own motor coaches. He has gone to the developer and asked them to review some of the issues. Holland also noted that the adjoining land owners have received notices twice about the project.

Chuck Gough asked the committee to please take into consideration all the letters that have been submitted in objection to the project. He noted that there is a plan for an easement through this property that is not noted in the presentation and asked that the Board of Adjustment and Planning Board be made aware of the added easement.

Phil Hanson made the motion that the application be denied. John Bourquin seconded the motion. Motion carried unanimously. The application for variance will be reviewed by the Flathead Board of Adjustment on February 7, 2006, 6:00 PM, at the Planning Office located at 1035 First Avenue West, Kalispell. The Preliminary Plat application will be reviewed by the Flathead County Planning Board on February 8, 2006, 6:00 PM, at the Planning Office located at 1035 First Avenue West, Kalispell.

Old Business:

Clarice Ryan announced the committee would appoint two members to the committee to replace Tim Calaway and Scott Hollinger who were dismissed from the committee by the Flathead County Commissioners for excessive absences on January 17, 2006. She noted she had letters of application from Paul Guerrant, Mary Jo Naïve, Shelley Gonzales and James R. Eddington. She invited anyone in the meeting to submit their interest to be committee members as well. She asked the applicants to stand and state their qualifications and interest in the committee positions.

Paul Guerrant has owned property in the area for 15 years and has lived here for 6 years. He has 33 years experience in the Gas & Electric utility business, specifically, gas and electric distribution design and construction. He was instrumental in the development of San Diego Gas & Electric Company’s GIS and associated applications such as outage management, tree trim management, etc. He has no business interests in real estate and/or development.

Mary Jo Naïve has owned a business and a home in the area for 21 years. She has been active in the Chamber of Commerce and Bigfork Merchants Association in marketing and activities. She grew up in southern California and was drawn by the lifestyle of living in a small town. She feels thoughtful planning towards the future is imperative. She would offer an objective perspective and guidance for the future growth of Bigfork.

Shelley Gonzales has owned property in the area for 9 ½ years and lived in Bigfork for 8 ½ years. Her professional career was in banking where she served as Vice President in corporate and private banking. In her career she evaluated numerous commercial and residential real estate projects for financing. She has no

affiliation with the real estate or construction business. She believes she has an objectivity that would be an asset to the committee.

James R. Eddington was born in Ronan, Montana and attended the University of Montana. He has a chemical engineering degree. After working in the banking business in Los Angeles, he returned to Montana in 1975 as President of a bank in Great Falls. He has been a real estate appraiser since 1993 doing residential and commercial appraisals in Flathead and Lake counties. He feels he would be an asset to the committee.

Clarice Ryan stated that Tim Calaway and Scott Hollinger had also asked her to be considered for appointment to the committee. Tim Calaway was not present at the meeting. Scott Hollinger was present and stated that he was a native Montanan and had been in the real estate business all his life. He has a lot of experience with planning and zoning.

John Bourquin addressed the consideration of Tim Calaway and Scott Hollinger stating that it was a violation of the spirit and intentions of the bylaws. He believes it is a mockery of BLUAC and the bylaws. He asked Scott Hollinger what had changed to make it possible for him to attend meetings this time around and not subject the committee to a lack of quorum for missing meetings. Scott answered that he saw a fortune teller.

Jack Paulson stated that the committee had allowed excused absences in the past. He also stated that the committee had gone for a long time without a secretary and thought that if we had to have a secretary he wanted one who would be cooperative with the committee.

Clarice produced a ballot and stated that since Tim was not present she would vote for Scott Hollinger and Jim Eddington. Jack Paulson said he would vote for Tim Calaway and Scott Hollinger.

John asked just what procedure she had in mind for voting for applicants. Clarice decided to have a secret ballot. Clarice passed the ballots to the members. After the secret ballot, there were 2 votes for Paul Guerrant, 2 votes for Shelley Gonzales, 2 votes for Scott Hollinger and 2 votes for Tim Calaway. The vote resulted in no majority for any applicant.

Clarice declared there would be a special meeting for the purpose of electing the two committee positions. She thought the dates would be February 2nd or 3rd. She would let the committee know her decision at a later date.

New Business:

None

Meeting was adjourned at 6:30 PM

Sue Hanson
Secretary